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Himanshu S. Amin  
Amin & Turocy, LLP  
National City Center  
1900 E. 9th Street, 24th Floor  
Cleveland, OH 44114

EXAMINER

LAZOR, MICHELLE A

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/000,208

Applicant(s)

RANGARAJAN ET AL.

Examiner

Michelle A Lazor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1 – 13, drawn to an apparatus, classified in class 118, subclass 323.

II. Claim 14 – 20, drawn to a method, classified in class 427, subclass 345.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another materially different process, such as for dispensing developer solution or cleaning solution.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Himanshu Amin on 31 July 2003 a provisional election was made with traverse to prosecute the invention of Group I, claims 1 – 13.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 14 – 20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 5 – 9, and 11 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitano et al. (U.S. Patent No. 6371667) in view of Tateyama et al. (U.S. Patent No. 5965200).

Regarding Claims 1, 8, 9, and 13, Kitano et al. disclose a system comprising a reservoir (61) containing a resist solution (column 5, lines 24 – 32), and a nozzle (N<sub>1</sub>) in fluid communication with the reservoir; wherein the nozzle is movable between first and second positions; in the first position, the nozzle is positioned to dispense liquid from the reservoir onto a substrate; and in the second position the nozzle is positioned to dispense liquid from the reservoir into a return line (Figures 24 – 27; column 9, line 66 – column 10, line 25). Kitano does not specifically speak to having the return line, which is considered to flow into a tank for storage, being in fluid communication with the reservoir (column 10, lines 47 – 54). However,

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Tateyama et al. disclose immediately recycling the surplus coating material along with fresh coating material (Figure 2; column 5, line 65 – column 6, line 11). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to connect the return line or storage tank to the reservoir to streamline the process, increase efficiency, and use the resist coating solution as it is needed while operating the apparatus.

Regarding Claims 5 and 6, Kitano et al. disclose the nozzle to have a tip approximately in the shape of a truncated cone, wherein the tip has an orifice on the truncated end, and a circumference of the cone at its base that is considered to be at least about 10 times a circumference of the cone where it is truncated (Figure 4).

Regarding Claim 7, Tateyama et al. disclose using a trap or an impurity removing mechanism (52) in the return line (column 5, line 65 – column 6, line 11). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a filter in the return line to remove any contaminants which could potentially be added into the coating material.

Regarding Claims 11 and 12, Kitano et al. disclose a pump that pumps fluid from the reservoir to the nozzle (column 5, lines 49 – 54), but do not disclose a fluid from the return line which is considered able to flow into the reservoir by the action of gravity. However, Tateyama et al. teach a fluid from the return line which is considered able to flow into the reservoir by the action of gravity (Figure 2; column 6, lines 3 – 11). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the action of gravity for the flow of the return line into the reservoir to minimize operational costs and avoid having to turn on and off a pump while changing substrates to be coated.

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8. Claims 2, 3, and 10 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitano et al. and Tateyama et al. as applied in Claim 1 above, in view of Akimoto et al. (U.S. Patent No. 5938847).

Regarding Claim 2, Kitano et al. and Tateyama et al. disclose all the limitations of Claim 1, but do not disclose the return line to have a coupling with a shape complementary to that of the nozzle and the nozzle which is fit into the coupling when the nozzle is in the second position. However, Akimoto et al. disclose the return line to have a coupling with a shape complementary to that of the nozzle and the nozzle which is fit into the coupling when the nozzle is in the second position (Figure 2; column 8, lines 55 – 67 and column 10, lines 37 – 44). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a coupling with a shape complementary to that of the nozzle since it is a conventional design, and also, in order to have a close fit with the nozzle and avoid any contamination of the coating material dispensed through the nozzle while in the second position.

Regarding Claim 3, Kitano et al. disclose the reservoir to be below the return line (Figures 4 and 25 – 27).

Regarding Claims 10 – 12, Kitano et al. and Tateyama et al. disclose a pump that pumps fluid from the reservoir to the nozzle (Kitano et al. column 5, lines 24 – 32), but do not disclose the return line to be closed when the nozzle is in the first position and a fluid from the return line which is considered able to flow into the reservoir by the action of gravity. However, Akimoto et al. disclose the return line to be closed when the nozzle is in the first position and a fluid from the return line which is considered able to flow into the reservoir by the action of gravity (column 10, lines 45 – 54). Although the preferred embodiment discloses using a pump for the

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drain pipe, flow by action of gravity is not excluded. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to close the return line when the nozzle is in the first position to avoid contamination of the resist receptacle (51) and it would have been obvious to use the action of gravity for the flow of the return line into the reservoir to minimize operational costs and avoid having to turn on and off a pump.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitano et al. and Tateyama et al. as applied in Claim 1 above, in view of Tholome (U.S. Patent No. 4785760).

Kitano et al. and Tateyama et al. disclose all the limitations of Claim 1, but do not disclose the reservoir to have a port out which gas released from liquid in the reservoir is exhausted. However, Tholome discloses the reservoir to have a port out which gas released from liquid in the reservoir is exhausted (Figure 6; column 6, lines 36 – 52). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a reservoir with a port out wherein gas released from liquid in the reservoir is exhausted in order to facilitate filling of the tank (column 6, lines 38 – 39).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle A Lazor whose telephone number is 703-305-7976.

The examiner can normally be reached on Mon - Thurs 6:30 - 4:00, Fridays 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

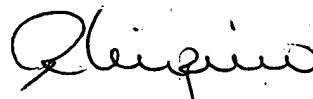
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



MAL

August 8, 2003



RICHARD CRISPINO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700